



Town Council Agenda Report

SUBJECT: Quasi Judicial Hearing: Rezoning

CONTACT PERSON/NUMBER

Name: Mark Kutney, AICP
Phone: (954) 797-1101

TITLE OF AGENDA ITEM:

ZB 1-1-00 John P. Morris, owner/ Synalovski, Gutierrez Architects, Inc., petitioner - 10200 State Road 84/Generally located on the south side of State Road 84 approximately 400 feet west of Nob Hill Road.

REPORT IN BRIEF:

As a result of the proposed vacation of right-of-way per plat through Broward County, the petitioners will be obtaining additional land area which will be incorporated under ownership of land currently zoned B-3, Planned Business Center District. Therefore, the proposed B-3 zoning designation is consistent with existing and planned adjacent uses, and can be considered to be the most appropriate zoning designation for the subject site.

The proposed use of the subject site will not generate additional traffic above that which is currently approved or permitted. Therefore, there will be no negative impacts on existing roadway conditions (see attached conceptual plan). The petitioner has also voluntarily offered a declaration of restrictions to match those currently established for the abutting properties currently zoned B-3, Planned Business Center District.

In conclusion, staff believes the proposed B-3 zoning district is the most appropriate district given existing adjacent and planned uses, is consistent with the Town's Future Land Use policies, and will not be harmful to the public welfare.

PREVIOUS ACTIONS: None.

CONCURRENCES:

The Planning and Zoning Board recommended approval of application ZB 1-1-00, subject to the planning report (motion carried 4-0, Chairman Greb absent, April 12, 2000)

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to approve subject to the vacation of right-of-way, the voluntary declaration of restrictions as noted in the planning report, and the conceptual master plan attached hereto.

Attachment(s): Planning Report, Declaration of Restrictions, Land Use Map, Subject Site Map, and Aerial.

Application #: ZB 1-1-00

Revisions:

Exhibit "A":

Original Report Date: 3/15/00

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner:

Name: John P. Morris
Address: 1125 SW 101 Road
City: Davie, FL 33324
Phone: (954) 370-3000

Agent:

Name: Synalovski, Gutierrez Architects
Address: 3109 Stirling Road, Ste. 202
City: Fort Lauderdale, FL 33312
Phone: (954) 961-6806

BACKGROUND INFORMATION

Application Request: To rezone 2.4 acres of property from A-1, Agricultural District to B-3, Planned Business Center District.

Address/Location: 10200 State Road 84/Generally located on the south side of State Road 84 approximately 400 feet west of Nob Hill Road.

Land Use Plan Designation: Commercial

Zoning: A-1, Agricultural District

Existing Use: Vacant Land

Proposed Zoning: B-3, Planned Business Center District

Proposed Use: Portion of phase II Creative Child Care Learning Center building and a landscape buffer.

Parcel Size: .28 acres (12,055 square feet)

Surrounding Land Use:

North: State Road 84 and Interstate 595.
South: Indian Ridge Middle School and

Land Use Designation:

**Transportation
Commercial**

East: Electrical Supply Co. (Imperial Electric) and phase I of Creative Child Care (under construction).

Commercial

West: Vacant land and future phase II of Creative Commercial
Child Learning Center.

Surrounding Zoning:

North: T, Transportation District.

South: CF, Community Facilities District and B-3, Planned Business Center District.

East: B-3, Planned Business Center District

West: A-1, Agricultural District and B-3, Planned Business District.

ZONING HISTORY

Related Zoning History: None.

Previous Requests on same property: None

DEVELOPMENT PLAN DETAILS

In the early 1900's, a since defunct state agency distributing swamp land in the area of the subject site, created roadway easements along the Tier lines as indicated on the Newman's Survey. These easements were placed along the Tier lines as the state agency did not know where or how development would occur. As the Town developed, it was realized that these easements were not necessary. The subject site is one of these easements and will be abandoned by the petitioner at the time of platting. The petitioner wishes to rezone the easement to reflect the zoning of adjacent properties.

The northern portion of the easement to revert to Imperial Electric will be utilized as a an additional landscape buffer and will not be used to increase building square footage. The southern portion of the easement which will revert to the Child Care Learning Center will accommodate the construction of a portion of the approved phase II building, landscaping and parking areas. The Child Care Learning Center site plan was approved subject to platting of the phase II portion of property prior to issuance of building permits. The petitioner is in the process of platting this land (see attached master plan).

Applicable Codes and Ordinances

Land Development Code Section, 12-307, Review of rezonings.

Land Development Code Section, 12-32, Table of permitted uses.

Land Development Code Section, 12-34(AA), Unified Control of Development, Conceptual master plan, Covenants and Restrictions.

Comprehensive Plan Considerations

Planning Area: This property falls within Planning Area 4. This planning area is bordered by S.R. 84 on its north, University Drive on its east, Flamingo Road on its west, and an irregular border on its south that corresponds to Nova Drive and SW 14th Street. A portion of the University Drive and S.R. 84 commercial corridors are included in this area, as are several planned residential communities typically developed at five dwellings per acres, but in some

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100.

Concurrency Considerations:

The proposed phase II Creative Child Care Center building to be located in the roadway easement to be abandoned accounts for 8 vehicle trips. However, this was anticipated at the time of the site plan was approved for this development, subject to plat approval through Broward County. Therefore, there will be no additional traffic generated by this request above the existing approved and permitted uses.

Applicable Goals, Objectives & Policies:

Future Land Use Policy 7-1: The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy.

Future Land Use Policy 7-3: Zoning regulations shall provide for varying intensities of commercial development, and direct application of appropriate districts where compatible with adjacent and surrounding residential uses.

Future Land Use Policy 7-4: Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways and arterials. Commercial uses located on arterials not designated by the Future Land Use Plan map as commercial corridors should be limited to the intersection of two arterials or arterials and interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential commercial use.

Staff Analysis

As a result of the proposed vacation of right-of-way per plat through Broward County, the petitioners will be obtaining additional land area which will be incorporated under ownership of land currently zoned B-3, Planned Business Center District. Therefore, the proposed B-3 zoning designation is consistent with existing and planned adjacent uses, and can be considered to be the most appropriate zoning designation for the subject site.

The proposed use of the subject site will not generate additional traffic above that which is currently approved or permitted. Therefore, there will be no negative impacts on existing roadway conditions (see attached conceptual plan). The petitioner has also voluntarily offered a declaration of restrictions to match those currently established for the abutting properties currently zoned B-3, Planned Business Center District.

In conclusion, staff believes the proposed B-3 zoning district is the most appropriate district given existing adjacent and planned uses, is consistent with the Town's Future Land Use policies, and will not be harmful to the public welfare.

Findings of Fact

Section 12-307(A)(1):

- (a) The proposed change is not contrary to the adopted

- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are not logically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will not adversely affect living conditions in the neighborhood;
- (e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;
- (f) The proposed change will not adversely affect other property values;
- (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;
- (h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;
- (i) There are substantial reasons why the property cannot be used in accord with existing zoning.
- (j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.
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Staff Recommendation

Recommendation: Based upon the above and the overall finding of facts in the positive, staff recommends **approval** of application ZB 1-1-0, subject to the vacation of right-of-way, the voluntary declaration of restrictions as noted in the planning report, and the conceptual master plan attached hereto.

Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval of application ZB 1-1-00, subject to the planning report (motion carried 4-0, Chairman Greb absent, April 12, 2000).

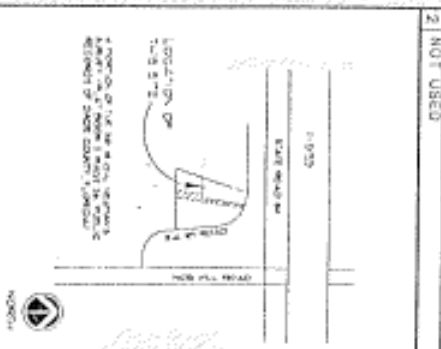
Exhibits

1. Conceptual Master Plan
2. List of uses to be restricted.
3. Land Use Map
4. Subject Site Map
5. Aerial

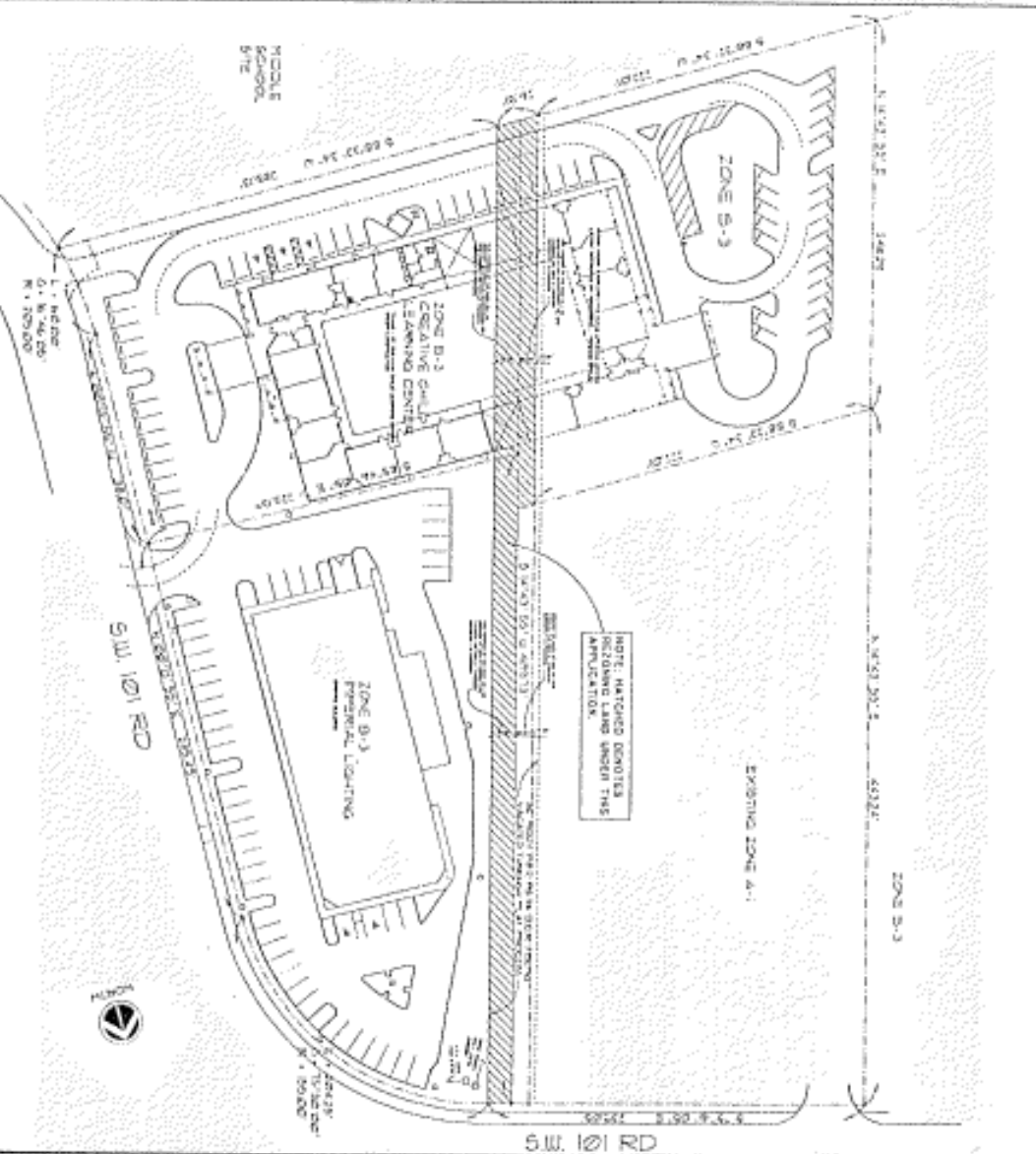
Prepared by: _____

Reviewed by: _____

2 LOCATION MAP



3 CONCEPTUAL SITE PLAN



OFFICE BUILDING FOR
JAFFE AT 595, INC.

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DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, E.D.J. ENTERPRISES, INC., a Florida corporation; ADJESLAN ENTERPRISES, INC., a Florida corporation; and JOHN MORRIS, whose address for these purposes shall be 10081 Pines Boulevard, Suite A, Pembroke Pines, Florida 33024, collectively being the owners of that certain real property located in the Town of Davie, Broward County, Florida and described on Exhibit "A" attached hereto and made a part hereof, voluntarily make the following Declaration of Restrictions covering the above-described real property, specifying that this Declaration of Restrictions shall constitute a covenant running with the land and that this declaration shall be binding upon the undersigned and upon all persons deriving or taking title through the undersigned. These restrictions, during their lifetime, shall be for the benefit of the Town of Davie, Florida.

1. The above-described property shall not be used for the following uses:

Those uses as permitted under Article III, Use Regulations, Division I, Permitted Uses, Section 12-30 through 12-32, of the Town of Davie Land Development Code, pertaining to the B-3, Planned Business Center District, including pawnshops; bars and lounges; dance halls and clubs; game rooms and arcades; mortuaries; night clubs; private clubs; watchman's apartments; agricultural uses; adult establishments; hotels; motels; and the sale or rental of new or used automobiles, trucks, utility trailers, motorcycles, and boats.

2. These restrictions shall not be construed to grant a use not allowable under the applicable zoning category of the subject property.
3. Development of the described property shall be in conformance with the proposed Conceptual Site Plan attached hereto and made a part hereof as Exhibit "B," or any amendment thereto approved by the Town of Davie.
4. These covenants are to run with the land and shall be binding upon all parties and persons deriving or taking title through the undersigned from the date these covenants are recorded in the Public Records of Broward County, Florida. This Declaration of Restrictions may be amended or removed only by the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors in title or assigns. Any amendment to this Declaration of Restrictions or termination thereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the declarants or their successors in title or assigns from applying to the Town of Davie, Florida, for modification of this Declaration of Restrictions or termination hereof.

5. Invalidation of any one portion of this Declaration of Restrictions or any portion of this document by judgment or court order in no way shall affect any other provisions, which shall remain in full force and effect.

6. This Declaration of Restrictions is executed for the purpose of protecting the health, safety and welfare of the citizens of the Town of Davie, Florida.

[Signatures begin on the next page]

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____
day of January, 2000.

Signed, sealed and delivered
in the presence of:

E.D.J. ENTERPRISES, INC.,
a Florida corporation

By: Emery Jaffe, President

Witness signature

PRINT: 67 Day 5 Kpm 100ly

Witness signature

PRINT: Linda DVAL (Oct)

STATE OF FLORIDA)
) SS:
COUNTY OF)

The foregoing instrument was acknowledged before me this 31 day of January, 2000 by Emery Jaffe, President of E.D.J. ENTERPRISES, INC., a Florida corporation, who is personally known to me or produced personally known as identification.

Notary Public

Signature _____

Susan Cowheard
Print Name



Susan Cowheard
MY COMMISSION # CC538291 EXPIRES
May 3, 2000
BONDED THRU TROY PAUL INSURANCE, INC.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____
day of January, 2000.

Signed, sealed and delivered
in the presence of:

ADJESLAN ENTERPRISES, INC.,
a Florida corporation

Ernst Reuter

By: Evan Jaffe, President

[Signature]

Witness signature

Witness signature

PRINT: Linda DVAL (Cont.)

STATE OF FLORIDA)
) ss:
COUNTY OF)

The foregoing instrument was acknowledged before me this 31 day of January, 2000 by Evan Jaffe, President of ADJESLAN ENTERPRISES, INC., a Florida corporation, who is personally known to me or produced personally known as identification.

Notary Public

Sutton C. Beard

Signature
Susan Cowheard



Susan Cowheard
MY COMMISSION # CC53291 EXPIRES
May 3, 2000
BONDED THRU TRISTY FAIR INSURANCE, INC.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____
day of January, 2000.


Signed, sealed and delivered
in the presence of:

[Signature]

WITNESS SIGNATURE
PRINT: Gregory S. Hogue

Yours truly
L. J. Carter

Witness signature
PRINT: Lucy Mal-Casli


JOHN MORRIS

STATE OF FLORIDA)
) SS:
COUNTY OF)

The foregoing instrument was acknowledged before me this 21st day of January, 2000 by JOHN MORRIS who is personally known to me or produced _____ as identification.

Notary Public

Francine L. Hobbs
Signature

Francine A. Hacker
Print Name

THIS DOCUMENT PREPARED BY:
BRUCE J. GOLDMAN, ESQ.
CITY NATIONAL BANK BUILDING
2701 LE JEUNE ROAD, SUITE 404
CORAL GABLES, FLORIDA 33134
(305) 446-6460

C:\VMDCS\0113DECL.RES



FRANCINE R. HACKER
COMMISSION # CC 762223
EXPIRES DEC 15, 2001
BONDED THRU
ATLANTIC BONDING CO., INC.

rdary

N. New River Canal

State Rd. 84

SUBJECT SITE

Parcel B

Parcel C

Parcel A

G.D.C. (14-15)

North Hill Village
(13-26)

Parcel 2

Parcel 6

North Hill Rd.

7 8
18 17

COMMERCIAL

PETITION NUMBER

ZB 1-1-00

N
4

PREPARED 3/27/00
BY THE PLANNING &
ZONING DIVISION

Scale: 1"=300'

RESIDENTIAL 5 DU/AC

ndary

N. New River Canal

State Rd. 84

(County)

Parcel B

Parcel C

CC

Parcel A

G.B.C. Plat (144-5)

B-1

SUBJECT SITE

CC

A-1

(County)

Nob Hill Village
(134-26)

B-3

Parcel B

Parcel A

CC

070010

Parcel A

G.B.C. Plat (144-5)

CF

Nob Hill Village
(134-26)

Parcel "A"

PETITION NUMBER

ZB 1-1-00

N

4

PREPARED 3/27/00

Scale: 1"=300'

110230	110240	110250	110260	110270	110280	110290	110300	110310
104911	104921	104931	104941	104951	104961	104971	104981	104991

